

EXHIBIT 1

1 Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
2 Mohammed A. Rathur (pro hac vice)
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Counsel for Individual and Representative Plaintiffs and
7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**
12

13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF TA-NEHISI COATES'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 5:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the conduct of others.

Subject to and without waiving these and the general objections, based on Plaintiff's preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-parties regarding licensing his Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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mrathur@caffertyclobes.com

VERIFICATION

My name is Ta-Nehisi Coates. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF TA-NEHISI COATES'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/18/2024.



Ta-Nehisi Coates

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur

1 Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
2 Mohammed A. Rathur (pro hac vice)
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Counsel for Individual and Representative Plaintiffs and
7 *the Proposed Class*

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

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13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF JUNOT DIAZ'S RESPONSES TO
DEFENDANT'S FOURTH SET OF
INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
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17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
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19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
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11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
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14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
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16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 5:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the conduct of others.

Subject to and without waiving these and the general objections, based on Plaintiff's preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-parties regarding licensing his Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

**CAFFERTY CLOBES MERIWETHER
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asweatman@caffertyclobes.com
mrathur@caffertyclobes.com

VERIFICATION

My name is Junot Diaz. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF JUNOT DIAZ'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/15/2024.



Junot Diaz

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur

Rachel Geman (*pro hac vice*)
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Proposed Class Counsel and Counsel for Plaintiff
Christopher Farnsworth

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Individual and Representative
Plaintiffs,

v.

Case No. 3:23-cv-03417-VC

PLAINTIFF CHRISTOPHER
FARNSWORTH'S RESPONSES TO
DEFENDANT'S FIRST SET OF
INTERROGATORIES

META PLATFORMS, INC, a Delaware
corporation,
Defendant.

PROPOUNDING PARTY: DEFENDANT META PLATFORMS, INC.

RESPONDING PARTY: PLAINTIFF CHRISTOPHER FARNSWORTH

SET NO.: ONE

INTRODUCTION

Plaintiff Christopher Farnsworth hereby responds to Defendant Meta Platforms, Inc. (“Defendant”) First Set of Interrogatories, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure.

All responses to the following Interrogatories are based on information currently known to Plaintiff and are provided without prejudice to Plaintiff’s right to supplement these responses pursuant to Rule 26(e) of the Federal Rules of Civil Procedure should additional information become available. Plaintiff anticipates that as investigation and trial preparation continue, it is possible that additional facts may become known, which may in turn warrant additions to or changes in the responses provided herein.

These responses are made in a good faith effort to supply such information as is presently known to Plaintiff. These responses and objections are made without prejudice to, and are not a waiver of, Plaintiff’s right to rely on other facts or documents at trial. These responses are not an admission of any fact set forth or assumed by an Interrogatory. The inadvertent disclosure of any privileged information shall not be deemed a waiver of any applicable privilege with respect to such information or any other information.

GENERAL OBJECTIONS

Plaintiff makes the following General Objections to the Interrogatories, including the Definitions and Guidelines sections. Plaintiff’s General Objections are incorporated into its

1 Subject to and without waiving these and the general objections, Plaintiff agrees to meet
2 and confer regarding the scope of this Interrogatory.

3 **INTERROGATORY NO. 19:**

4 To the extent YOU contend that the alleged use of YOUR ASSERTED WORKS in the
5 process(es) for training any META AI LLM resulted in Meta having reproduced YOUR
6 ASSERTED WORKS, describe in detail how, and at what point(s) in the training process(es), you
7 contend any copies of YOUR ASSERTED WORKS were made.

8 **RESPONSE TO INTERROGATORY NO. 19:**

9 Plaintiff objects to this Interrogatory to the extent it is overbroad, irrelevant, and
10 speculative. Plaintiff objects to the extent this Interrogatory seeks a response that will be the
11 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
12 expert witness work product. Plaintiff objects to this Interrogatory to the extent that it requests
13 information in Defendant's possession, custody, and control.

14 Subject to and without waiving these and the general objections, Plaintiff agrees to meet
15 and confer regarding the scope of the Interrogatory.

16 **INTERROGATORY NO. 20:**

17 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
18 ASSERTED WORKS in connection with training any META AI LLM is not transformative for
19 purposes of fair use.

20 **RESPONSE TO INTERROGATORY NO. 20:**

21 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
22 information over which Defendant has custody or control, and is duplicative. Each subpart is a
23 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
24 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
25 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
26 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
27 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
28 seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 21:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 21:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 22:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 22:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 23:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 23:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 24:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 24:

Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the conduct of others.

Subject to and without waiving these and the general objections, based on Plaintiff's preliminary investigation, Plaintiff has not entered into any negotiations with any third-parties regarding licensing his Asserted Work for use in training LLMs.

INTERROGATORY NO. 25:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs. [Respond Only If the Parties Reach Agreement On, and the Court Orders, Discovery Exceeding Fed. R. Civ. 33(a)(1)]

RESPONSE TO INTERROGATORY NO. 25:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 26:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 26:

The parties have not reached agreement, nor has the Court ordered additional

1 Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will
2 not respond to this Interrogatory.

3 **INTERROGATORY NO. 27:**

4 Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether
5 YOU contend it is a factual or creative work, and the target audience for the work.

6 **RESPONSE TO INTERROGATORY NO. 27:**

7 The parties have not reached agreement, nor has the Court ordered additional
8 Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will
9 not respond to this Interrogatory.

10 **INTERROGATORY NO. 28:**

11 State the total revenue that YOU (including any entity or company owned, operated, or
12 controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues
13 earned from sales and licensing of the works.

14 **RESPONSE TO INTERROGATORY NO. 28:**

15 The parties have not reached agreement, nor has the Court ordered additional
16 Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will
17 not respond to this Interrogatory.

18
19
20 Dated: November 18, 2024

Respectfully submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Rachel Geman

Rachel Geman

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

250 Hudson Street, 8th Floor

New York, NY 10013-1413

Telephone: 212.355.9500

Facsimile: 212.355.959

Email: rgeman@lchb.com

VERIFICATION

I, Christopher Farnsworth, understand the contents of the foregoing Responses to Defendant's First Set of Interrogatories.

I declare under penalty of perjury and that the Responses to these Interrogatories are true and correct to the best of my present knowledge.

Executed on November 15, 2024, in Los Angeles, California.

A handwritten signature in black ink, appearing to be 'CF', is written over a horizontal line.

Christopher Farnsworth

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Betsy Anne Sugar

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel included below]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Related Case No. 4:23-cv-06663

**PLAINTIFF CHRISTOPHER GOLDEN'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S FOURTH SET OF
INTERROGATORIES**

change the ordinary meaning of the terms identified or impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

- a. Plaintiff objects to the definitions of DESCRIBE to the extent that it is vague, ambiguous, overbroad in nature and is nonsensical as word the “description” is used to define it.

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

- a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES

INTERROGATORY NO. 20:

State all facts supporting any contention by YOU that Meta’s alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 20:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each of which counts separately toward Defendant’s limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks

1 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
2 seeks documents and information over which Defendant has equal or greater possession, custody,
3 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
4 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
5 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

6 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
7 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
8 interrogatory.

9 **INTERROGATORY NO. 21:**

10 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
11 ASSERTED WORKS in connection with training any META AI LLM has or will affect the market
12 or potential market for YOUR ASSERTED WORKS, including identifying with particularly each
13 alleged market or potential market that you contend was affected and how Meta's alleged use of
14 YOUR ASSERTED WORKS affected such market or the value of YOUR ASSERTED WORKS in
15 that market.

16 **RESPONSE TO INTERROGATORY NO. 21:**

17 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
18 information over which Defendant has custody or control, and is duplicative. Each subpart is a
19 separate Interrogatory, each of which counts separately toward Defendant's limit under the
20 Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to
21 the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response
22 that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks
23 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
24 seeks documents and information over which Defendant has equal or greater possession, custody,
25 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
26 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
27 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
28 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Request for

1 Production Nos. 77-78.

2 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
3 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
4 interrogatory.

5 **INTERROGATORY NO. 22:**

6 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
7 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in its
8 use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU contend
9 demonstrate any alleged lack of good faith.

10 **RESPONSE TO INTERROGATORY NO. 22:**

11 Plaintiff objects to this Interrogatory to the extent that it is compound, premature,
12 requests information over which Defendant has custody or control, and is duplicative. Each subpart
13 is a separate Interrogatory, each of which counts separately toward Defendant's limit under the
14 Federal Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will
15 be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
16 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
17 seeks documents and information over which Defendant has equal or greater possession, custody,
18 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
19 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
20 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

21 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
22 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
23 interrogatory.

24 **INTERROGATORY NO. 23:**

25 If YOU contend that a market or potential market exists for licensing of YOUR
26 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
27 a detailed identification of when and how such market arose and all transactions and documents
28 you contend support the existence of such market.

RESPONSE TO INTERROGATORY NO. 23:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each of which counts separately toward Defendant's limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 24:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 24:

Plaintiff objects to this Interrogatory to the extent it overbroad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's Request for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the conduct of others. Plaintiff also objects to this request as unduly burdensome insofar it has no time

1 limitation.

2 Subject to and without waiving these and the general objections, based on Plaintiff's
3 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
4 parties regarding licensing his Asserted Work for use in training generative AI.

5 **INTERROGATORY NO. 25:**

6 State all facts supporting any contention by YOU that the amount and substantiality of the
7 portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in
8 relation to the purpose of training the META AI LLMs.

9 **RESPONSE TO INTERROGATORY NO. 25:**

10 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
11 information over which Defendant has custody or control, and is duplicative. Each subpart is a
12 separate Interrogatory, each of which counts separately toward Defendant's limit under the
13 Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to
14 the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response
15 that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks
16 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
17 seeks documents and information over which Defendant has equal or greater possession, custody,
18 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
19 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
20 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
21 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Request for
22 Production No. 77.

23 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
24 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
25 interrogatory.

Dated: November 18, 2024

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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[continued on next page]

VERIFICATION

My name is Christopher Golden. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF CHRISTOPHER GOLDEN'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the ¹⁵ day of November, 2024.

DocuSigned by:

Christopher Golden

30060E607AA7420...

Christopher Golden

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On November 18, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF CHRISTOPHER GOLDEN'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S FOURTH SET OF INTERROGATORIES**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 18, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

1 Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
2 Mohammed A. Rathur (pro hac vice)
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7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF ANDREW SEAN GREER'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

1 information over which Defendant has custody or control, and is duplicative. Each subpart is a
2 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
3 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
4 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
5 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
6 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
7 seeks documents and information over which Defendant has equal or greater possession, custody,
8 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
9 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
10 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
11 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
12 for Production No. 77.

13 Subject to and without waiving these and the general objections, Plaintiff is not obligated
14 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
15 this interrogatory.

16 **INTERROGATORY NO. 5:**

17 IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed
18 the possibility of licensing (via collective license, blanket license, individual license, or any other
19 licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

20 **RESPONSE TO INTERROGATORY NO. 5:**

21 Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff
22 objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First
23 Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory
24 requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the
25 conduct of others.

26 Subject to and without waiving these and the general objections, based on Plaintiff's
27 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
28 parties regarding licensing his Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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mrathur@caffertyclobes.com

VERIFICATION

My name is Andrew Sean Greer. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF ANDREW SEAN GREER'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/16/2024.



Andrew Sean Greer

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur

1 Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
2 Mohammed A. Rathur (pro hac vice)
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Counsel for Individual and Representative Plaintiffs and
7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF DAVID HENRY HWANG'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 5:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the conduct of others.

Subject to and without waiving these and the general objections, based on Plaintiff's preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-parties regarding licensing his Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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VERIFICATION

My name is David Henry Hwang. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF DAVID HENRY HWANG'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/15/2024.

David Henry Hwang

David Henry Hwang

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel included below]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Related Case No. 4:23-cv-06663

**PLAINTIFF RICHARD KADREY'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S FOURTH SET OF
INTERROGATORIES**

change the ordinary meaning of the terms identified or impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

- a. Plaintiff objects to the definitions of DESCRIBE to the extent that it is vague, ambiguous, overbroad in nature and is nonsensical as word the “description” is used to define it.

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

- a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES

INTERROGATORY NO. 20:

State all facts supporting any contention by YOU that Meta’s alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 20:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each of which counts separately toward Defendant’s limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks

1 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
2 seeks documents and information over which Defendant has equal or greater possession, custody,
3 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
4 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
5 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

6 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
7 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
8 interrogatory.

9 **INTERROGATORY NO. 21:**

10 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
11 ASSERTED WORKS in connection with training any META AI LLM has or will affect the market
12 or potential market for YOUR ASSERTED WORKS, including identifying with particularly each
13 alleged market or potential market that you contend was affected and how Meta's alleged use of
14 YOUR ASSERTED WORKS affected such market or the value of YOUR ASSERTED WORKS in
15 that market.

16 **RESPONSE TO INTERROGATORY NO. 21:**

17 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
18 information over which Defendant has custody or control, and is duplicative. Each subpart is a
19 separate Interrogatory, each of which counts separately toward Defendant's limit under the
20 Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to
21 the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response
22 that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks
23 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
24 seeks documents and information over which Defendant has equal or greater possession, custody,
25 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
26 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
27 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
28 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Requests for

1 Production Nos. 77-78.

2 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
3 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
4 interrogatory.

5 **INTERROGATORY NO. 22:**

6 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
7 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in its
8 use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU contend
9 demonstrate any alleged lack of good faith.

10 **RESPONSE TO INTERROGATORY NO. 22:**

11 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
12 information over which Defendant has custody or control, and is duplicative. Each subpart is a
13 separate Interrogatory, each of which counts separately toward Defendant's limit under the
14 Federal Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will
15 be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
16 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
17 seeks documents and information over which Defendant has equal or greater possession, custody,
18 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
19 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
20 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

21 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
22 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
23 interrogatory.

24 **INTERROGATORY NO. 23:**

25 If YOU contend that a market or potential market exists for licensing of YOUR
26 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
27 a detailed identification of when and how such market arose and all transactions and documents
28 you contend support the existence of such market.

RESPONSE TO INTERROGATORY NO. 23:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each of which counts separately toward Defendant's limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 24:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 24:

Plaintiff objects to this Interrogatory to the extent it overbroad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's Request for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the conduct of others. Plaintiff also objects to this request as unduly burdensome insofar it has no time

1 limitation.

2 Subject to and without waiving these and the general objections, based on Plaintiff's
3 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
4 parties regarding licensing his Asserted Work for use in training generative AI.

5 **INTERROGATORY NO. 25:**

6 State all facts supporting any contention by YOU that the amount and substantiality of the
7 portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in
8 relation to the purpose of training the META AI LLMs.

9 **RESPONSE TO INTERROGATORY NO. 25:**

10 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
11 information over which Defendant has custody or control, and is duplicative. Each subpart is a
12 separate Interrogatory, each of which counts separately toward Defendant's limit under the
13 Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to
14 the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response
15 that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks
16 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
17 seeks documents and information over which Defendant has equal or greater possession, custody,
18 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
19 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
20 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
21 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Request for
22 Production No. 77.

23 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
24 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
25 interrogatory.

Dated: November 18, 2024

By: /s/ Joseph R. Saveri
Joseph R. Saveri

BOIES SCHILLER FLEXNER LLP

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[continued on next page]

VERIFICATION

My name is Richard Kadrey. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF RICHARD KADREY'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 15th day of November, 2024.

Richard Kadrey

Signed by:

Richard Kadrey

182881A504AB4E4...

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On November 18, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF RICHARD KADREY'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S FOURTH SET OF INTERROGATORIES**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 18, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

1 Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
2 Mohammed A. Rathur (pro hac vice)
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Counsel for Individual and Representative Plaintiffs and
7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF MATTHEW KLAM'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

1 information over which Defendant has custody or control, and is duplicative. Each subpart is a
 2 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
 3 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
 4 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
 5 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
 6 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
 7 seeks documents and information over which Defendant has equal or greater possession, custody,
 8 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
 9 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
 10 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
 11 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
 12 for Production No. 77.

13 Subject to and without waiving these and the general objections, Plaintiff is not obligated
 14 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
 15 this interrogatory.

16 **INTERROGATORY NO. 5:**

17 IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed
 18 the possibility of licensing (via collective license, blanket license, individual license, or any other
 19 licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

20 **RESPONSE TO INTERROGATORY NO. 5:**

21 Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff
 22 objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First
 23 Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory
 24 requests information about third-parties. Plaintiff will limit his answer to his own conduct, not the
 25 conduct of others.

26 Subject to and without waiving these and the general objections, based on Plaintiff's
 27 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
 28 parties regarding licensing his Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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asweatman@caffertyclobes.com
mrathur@caffertyclobes.com

VERIFICATION

My name is Matthew Klam. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF MATTHEW KLAM'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/16/2024.

Matthew Klam

Matthew Klam

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur

1 Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
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Counsel for Individual and Representative Plaintiffs and
7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF LAURA LIPPMAN'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
 2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
 3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
 5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
 6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
 9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
 10 market or potential market for YOUR ASSERTED WORKS, including identifying with
 11 particularly each alleged market or potential market that you contend was affected and how
 12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
 13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
 16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
 17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
 18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
 19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
 20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
 21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
 22 seeks documents and information over which Defendant has equal or greater possession, custody,
 23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
 24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
 25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
 26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
 27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 5:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit her answer to her own conduct, not the conduct of others.

Subject to and without waiving these and the general objections, based on Plaintiff's preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-parties regarding licensing her Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
Mohammed A. Rathur (pro hac vice)
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Email: bclobes@caffertyclobes.com
asweatman@caffertyclobes.com
mrathur@caffertyclobes.com

VERIFICATION

My name is Laura Lippman. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF LAURA LIPPMAN'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/15/2024.



Laura Lippman

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur

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cyoung@saverilawfirm.com

*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel included below]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Related Case No. 4:23-cv-06663

**PLAINTIFF SARAH SILVERMAN'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S FOURTH SET OF
INTERROGATORIES**

change the ordinary meaning of the terms identified or impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

- a. Plaintiff objects to the definitions of DESCRIBE to the extent that it is vague, ambiguous, overbroad in nature and is nonsensical as word the “description” is used to define it.

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

- a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES

INTERROGATORY NO. 20:

State all facts supporting any contention by YOU that Meta’s alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 20:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each of which counts separately toward Defendant’s limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks

1 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
2 seeks documents and information over which Defendant has equal or greater possession, custody,
3 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
4 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
5 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

6 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
7 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
8 interrogatory.

9 **INTERROGATORY NO. 21:**

10 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
11 ASSERTED WORKS in connection with training any META AI LLM has or will affect the market
12 or potential market for YOUR ASSERTED WORKS, including identifying with particularly each
13 alleged market or potential market that you contend was affected and how Meta's alleged use of
14 YOUR ASSERTED WORKS affected such market or the value of YOUR ASSERTED WORKS in
15 that market.

16 **RESPONSE TO INTERROGATORY NO. 21:**

17 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
18 information over which Defendant has custody or control, and is duplicative. Each subpart is a
19 separate Interrogatory, each of which counts separately toward Defendant's limit under the
20 Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to
21 the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response
22 that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks
23 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
24 seeks documents and information over which Defendant has equal or greater possession, custody,
25 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
26 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
27 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
28 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Requests for

1 Production Nos. 77-78.

2 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
3 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
4 interrogatory.

5 **INTERROGATORY NO. 22:**

6 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
7 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in its
8 use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU contend
9 demonstrate any alleged lack of good faith.

10 **RESPONSE TO INTERROGATORY NO. 22:**

11 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
12 information over which Defendant has custody or control, and is duplicative. Each subpart is a
13 separate Interrogatory, each of which counts separately toward Defendant's limit under the
14 Federal Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will
15 be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
16 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
17 seeks documents and information over which Defendant has equal or greater possession, custody,
18 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
19 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
20 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

21 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
22 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
23 interrogatory.

24 **INTERROGATORY NO. 23:**

25 If YOU contend that a market or potential market exists for licensing of YOUR
26 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
27 a detailed identification of when and how such market arose and all transactions and documents
28 you contend support the existence of such market.

RESPONSE TO INTERROGATORY NO. 23:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each of which counts separately toward Defendant's limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Request for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 24:

IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed the possibility of licensing (via collective license, blanket license, individual license, or any other licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

RESPONSE TO INTERROGATORY NO. 24:

Plaintiff objects to this Interrogatory to the extent it overbroad and duplicative. Plaintiff objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's Request for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory requests information about third-parties. Plaintiff will limit her answer to her own conduct, not the conduct of others. Plaintiff also objects to this request as unduly burdensome insofar it has no time

1 limitation.

2 Subject to and without waiving these and the general objections, based on Plaintiff's
3 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
4 parties regarding licensing her Asserted Work for use in training generative AI.

5 **INTERROGATORY NO. 25:**

6 State all facts supporting any contention by YOU that the amount and substantiality of the
7 portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in
8 relation to the purpose of training the META AI LLMs.

9 **RESPONSE TO INTERROGATORY NO. 25:**

10 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
11 information over which Defendant has custody or control, and is duplicative. Each subpart is a
12 separate Interrogatory, each of which counts separately toward Defendant's limit under the
13 Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to
14 the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response
15 that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks
16 the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
17 seeks documents and information over which Defendant has equal or greater possession, custody,
18 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
19 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
20 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
21 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Request for
22 Production No. 77.

23 Subject to and without waiving these and the general objections, Plaintiff is not obligated to
24 and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this
25 interrogatory.

Dated: November 18, 2024

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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[continued on next page]

VERIFICATION

My name is Sarah Silverman. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF SARAH SILVERMAN'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on the 17 day of November, 2024.

DocuSigned by:

sarah silverman

EDDADCDCA0084AD...

Sarah Silverman

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On November 18, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF SARAH SILVERMAN'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S FOURTH SET OF INTERROGATORIES**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 18, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

1 Bryan L. Clobes (pro hac vice)
Alexander J. Sweatman (pro hac vice)
2 Mohammed A. Rathur (pro hac vice)
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Counsel for Individual and Representative Plaintiffs and
7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF RACHEL LOUISE SNYDER'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

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7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF RACHEL LOUISE SNYDER'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

1 information over which Defendant has custody or control, and is duplicative. Each subpart is a
2 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
3 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
4 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
5 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
6 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
7 seeks documents and information over which Defendant has equal or greater possession, custody,
8 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
9 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
10 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
11 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
12 for Production No. 77.

13 Subject to and without waiving these and the general objections, Plaintiff is not obligated
14 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
15 this interrogatory.

16 **INTERROGATORY NO. 5:**

17 IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed
18 the possibility of licensing (via collective license, blanket license, individual license, or any other
19 licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

20 **RESPONSE TO INTERROGATORY NO. 5:**

21 Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff
22 objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First
23 Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory
24 requests information about third-parties. Plaintiff will limit her answer to her own conduct, not
25 the conduct of others.

26 Subject to and without waiving these and the general objections, based on Plaintiff's
27 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
28 parties regarding licensing her Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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VERIFICATION

My name is Rachel Louise Snyder. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF RACHEL LOUISE SNYDER'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/18/2024.



Rachel Louise Snyder

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur

1 Nada Djordjevic (admitted *pro hac vice*)

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4 6th Floor

5 Chicago, IL 60602

6 Tel.: (312) 214-7900

7 *ndjordjevic@dicellolevitt.com*

8 *Counsel for Plaintiffs and the Proposed Class, Additional*
9 *Counsel Listed Below*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
18 corporation,

19 Defendant.

Case No. 3:23-cv-03417-VC

PLAINTIFF LYSA TERKEURST'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

20 PROPOUNDING PARTY: DEFENDANT META PLATFORMS, INC.

21 RESPONDING PARTY: PLAINTIFF LYSA TERKEURST

22 SET NO.: FOUR (4)

23 **INTRODUCTION**

24 Plaintiff Lysa TerKeurst hereby responds to Defendant Meta Platforms, Inc.
25 ("Defendant") Fourth Set of Interrogatories, pursuant to Rules 26 and 33 of the Federal Rules of
26 Civil Procedure.
27
28

1 Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and
 2 not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

3 In addition to the General Objections set forth above, Plaintiff will also state specific
 4 objections to Interrogatories where appropriate, including objections that are not generally
 5 applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend
 6 to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to
 7 Interrogatories to which they object, such objections are not waived.

8 **RESPONSES**

9 **INTERROGATORY NO. 20:**

10 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
 11 ASSERTED WORKS in connection with training any META AI LLM is not transformative for
 12 purposes of fair use.

13 **RESPONSE TO INTERROGATORY NO. 20:**

14 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
 15 information over which Defendant has custody or control, and is duplicative. Each subpart is a
 16 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
 17 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
 18 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
 19 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
 20 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
 21 seeks documents and information over which Defendant has equal or greater possession, custody,
 22 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
 23 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
 24 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

25 Subject to and without waiving these and the general objections, Plaintiff is not obligated
 26 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
 27 this interrogatory.
 28

INTERROGATORY NO. 21:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM has or will affect the market or potential market for YOUR ASSERTED WORKS, including identifying with particularity each alleged market or potential market that you contend was affected and how Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR ASSERTED WORKS in that market.

RESPONSE TO INTERROGATORY NO. 21:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Fourth Requests for Production Nos. 77-78 as well as Meta's Interrogatory No. 16.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 22:

Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU

1 contend demonstrate any alleged lack of good faith.

2 **RESPONSE TO INTERROGATORY NO. 22:**

3 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
 4 information over which Defendant has custody or control, and is duplicative. Each subpart is a
 5 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
 6 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
 7 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
 8 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
 9 documents and information over which Defendant has equal or greater possession, custody, and
 10 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
 11 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
 12 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

13 Subject to and without waiving these and the general objections, Plaintiff is not obligated
 14 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
 15 this interrogatory.

16 **INTERROGATORY NO. 23:**

17 If YOU contend that a market or potential market exists for licensing of YOUR
 18 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
 19 a detailed identification of when and how such market arose and all transactions and documents
 20 you contend support the existence of such market.

21 **RESPONSE TO INTERROGATORY NO. 23:**

22 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
 23 information over which Defendant has custody or control, and is duplicative. Each subpart is a
 24 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
 25 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
 26 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
 27 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
 28 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory

1 seeks documents and information over which Defendant has equal or greater possession, custody,
2 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
3 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
4 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
5 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Request for
6 Production No. 77, as well as Interrogatory No. 16.

7 Subject to and without waiving these and the general objections, Plaintiff is not obligated
8 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
9 this interrogatory.

10 **INTERROGATORY NO. 24:**

11 IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed
12 the possibility of licensing (via collective license, blanket license, individual license, or any other
13 licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

14 **RESPONSE TO INTERROGATORY NO. 24:**

15 Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff
16 objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's Requests for
17 Production No. 15, and Second Requests for Production Nos. 34–35. Plaintiff further objects to
18 the extent this Interrogatory requests information about third-parties. Plaintiff will limit her
19 answer to her own conduct, not the conduct of others.

20 Subject to and without waiving these and the general objections, based on Plaintiff's
21 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
22 parties regarding licensing her Asserted Work for use in training LLMs.

23 **INTERROGATORY NO. 25:**

24 State all facts supporting any contention by YOU that the amount and substantiality of the
25 portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in
26 relation to the purpose of training the META AI LLMs.

27 **RESPONSE TO INTERROGATORY NO. 25:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's Request for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 26:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 26:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 27:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 27:

The parties have not reached agreement, nor has the Court ordered additional

Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 28:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 28:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

Respectfully submitted,

By: /s/ James A. Ulwick

Amy Keller (admitted *pro hac vice*)

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1
2 UNITED STATES DISTRICT COURT
3
4 NORTHERN DISTRICT OF CALIFORNIA

5 RICHARD KADREY, SARAH
6 SILVERMAN, CHRISTOPHER
7 GOLDEN, TA-NEHISI COATES,
8 JUNOT DÍAZ, ANDREW SEAN
9 GREER, DAVID HENRY HWANG,
10 MATTHEW KLAM, LAURA
11 LIPPMAN, RACHEL LOUISE
12 SNYDER, JACQUELINE WOODSON,
13 AND LYSA TERKEURST,

14 *Individual and Representative*
15 *Plaintiffs,*

16 v.

17 META PLATFORMS, INC.;

18 *Defendant.*

Case No. 3:23-cv-03417-VC

19 **VERIFICATION OF LYSA TERKEURST**

20 I, Lysa TerKeurst, hereby declare under oath that I have reviewed Plaintiff
21 Lysa TerKeurst's Responses and Objections to the Fourth Set of Defendant's
22 Interrogatories, and the statements of fact made therein are true and correct to the
23 best of my knowledge based upon the information currently available to me. I
24 declare under penalty of perjury under the laws of the United States of America that
25 the foregoing is true and correct.

26 [signature on following page]

Executed on 11/18/2024.

DocuSigned by:

Lysa TerKeurst

958C2F7C55BE4D7...

Lysa TerKeurst

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024, a true and correct copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF LYSA TERKEURST'S REPSONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S FOURTH SET OF INTERROGATORIES**

/s/ James A. Ulwick
James A. Ulwick

DiCello Levitt LLP
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Chicago, IL 60602
Email: julwick@dicellolevitt.com

One of Plaintiffs' Counsel

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Counsel for Individual and Representative Plaintiffs and
7 *the Proposed Class*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12
13 RICHARD KADREY, *et al.*,

14 Individual and Representative
15 Plaintiffs,

16 v.

17 META PLATFORMS, INC, a Delaware
corporation,

18 Defendant.
19

Case No. 3:23-cv-03417-VC

PLAINTIFF JACQUELINE WOODSON'S
RESPONSES TO DEFENDANT'S FOURTH
SET OF INTERROGATORIES

10. Plaintiff objects to instructions used by Defendant to the extent they seek to impose obligations on Plaintiff inconsistent with the Federal Rules. Specifically:

a. Plaintiff objects to Paragraphs 3-6 and 8 as overly broad, unduly burdensome, and not proportional to the needs of the case because they seek cumulative or duplicative discovery and seek to impose upon Plaintiff burdens in addition to or inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other applicable rules or laws. Plaintiff will interpret these instructions as not requiring Plaintiff to perform unreasonable searches, not requiring cumulative or duplicative discovery, and not requiring Plaintiff to exceed the obligations set forth in the applicable rules and laws.

In addition to the General Objections set forth above, Plaintiff will also state specific objections to Interrogatories where appropriate, including objections that are not generally applicable to all Interrogatories. By setting forth such specific objections, Plaintiff does not intend to limit or restrict the General Objections set forth above. To the extent that Plaintiff responds to Interrogatories to which they object, such objections are not waived.

RESPONSES

INTERROGATORY NO. 1:

State all facts supporting any contention by YOU that Meta's alleged use of YOUR ASSERTED WORKS in connection with training any META AI LLM is not transformative for purposes of fair use.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody,

1 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
2 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
3 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

4 Subject to and without waiving these and the general objections, Plaintiff is not obligated
5 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
6 this interrogatory.

7 **INTERROGATORY NO. 2:**

8 State all facts supporting any contention by YOU that Meta's alleged use of YOUR
9 ASSERTED WORKS in connection with training any META AI LLM has or will affect the
10 market or potential market for YOUR ASSERTED WORKS, including identifying with
11 particularly each alleged market or potential market that you contend was affected and how
12 Meta's alleged use of YOUR ASSERTED WORKS affected such market or the value of YOUR
13 ASSERTED WORKS in that market.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
16 information over which Defendant has custody or control, and is duplicative. Each subpart is a
17 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
18 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
19 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
20 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
21 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
22 seeks documents and information over which Defendant has equal or greater possession, custody,
23 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
24 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
25 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
26 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
27 for Production Nos. 77-78.

28 Subject to and without waiving these and the general objections, Plaintiff is not obligated

1 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
2 this interrogatory.

3 **INTERROGATORY NO. 3:**

4 Describe in detail the factual basis for any contention by YOU that Meta's assertion of fair
5 use is precluded or in any way diminished by any alleged lack of good faith on the part of Meta in
6 its use of YOUR ASSERTED WORKS, including by identifying all acts by Meta that YOU
7 contend demonstrate any alleged lack of good faith.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests
10 information over which Defendant has custody or control, and is duplicative. Each subpart is a
11 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
12 Rules. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the
13 subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of
14 expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks
15 documents and information over which Defendant has equal or greater possession, custody, and
16 control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use
17 in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
18 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.

19 Subject to and without waiving these and the general objections, Plaintiff is not obligated
20 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
21 this interrogatory.

22 **INTERROGATORY NO. 4:**

23 If YOU contend that a market or potential market exists for licensing of YOUR
24 ASSERTED WORKS for training LLMs, state all facts supporting any such contention, including
25 a detailed identification of when and how such market arose and all transactions and documents
26 you contend support the existence of such market.

27 **RESPONSE TO INTERROGATORY NO. 4:**

28 Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests

1 information over which Defendant has custody or control, and is duplicative. Each subpart is a
 2 separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal
 3 Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the
 4 needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that
 5 will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the
 6 disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory
 7 seeks documents and information over which Defendant has equal or greater possession, custody,
 8 and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair
 9 use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that
 10 Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use.
 11 Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests
 12 for Production No. 77.

13 Subject to and without waiving these and the general objections, Plaintiff is not obligated
 14 to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding
 15 this interrogatory.

16 **INTERROGATORY NO. 5:**

17 IDENTIFY all THIRD PARTIES with whom YOU or YOUR AGENTS have discussed
 18 the possibility of licensing (via collective license, blanket license, individual license, or any other
 19 licensing system) any of YOUR ASSERTED WORKS as training data for LLMs.

20 **RESPONSE TO INTERROGATORY NO. 5:**

21 Plaintiffs object to this Interrogatory to the extent it over broad and duplicative. Plaintiff
 22 objects that this Interrogatory is duplicative of Interrogatories Nos. 2, 12 and Meta's First
 23 Requests for Production Nos. 15, 35–36. Plaintiff further objects to the extent this Interrogatory
 24 requests information about third-parties. Plaintiff will limit her answer to her own conduct, not
 25 the conduct of others.

26 Subject to and without waiving these and the general objections, based on Plaintiff's
 27 preliminary investigation, Plaintiff has not entered into any individual negotiations with any third-
 28 parties regarding licensing her Asserted Works for use in training LLMs.

INTERROGATORY NO. 6:

State all facts supporting any contention by YOU that the amount and substantiality of the portion of YOUR ASSERTED WORKS that was allegedly copied by Meta was not reasonable in relation to the purpose of training the META AI LLMs.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff objects to this Interrogatory to the extent that it is compound, premature, requests information over which Defendant has custody or control, and is duplicative. Each subpart is a separate Interrogatory, each which counts separately toward Plaintiffs' limit under the Federal Rules. Plaintiff objects to this Interrogatory as unduly burdensome and disproportionate to the needs of the case. Plaintiff objects to this Interrogatory to the extent that it seeks a response that will be the subject of expert discovery and objects to the extent that this Interrogatory seeks the disclosure of expert witness work product. Plaintiff also objects to the extent this Interrogatory seeks documents and information over which Defendant has equal or greater possession, custody, and control. Plaintiff objects that this request improperly shifts the burden of proof regarding fair use in this case and thus Plaintiff need not respond. It is Defendant's burden of proof to show that Defendant's use of the Asserted Works in connection with training any Meta AI LLM is fair use. Plaintiff further objects to this Interrogatory to the extent it is duplicative of Meta's First Requests for Production No. 77.

Subject to and without waiving these and the general objections, Plaintiff is not obligated to and so will not respond to this interrogatory. Plaintiff is willing to meet and confer regarding this interrogatory.

INTERROGATORY NO. 7:

IDENTIFY every output created by a META AI LLM, of which YOU are aware, that YOU contend competes with YOUR ASSERTED WORKS among readers or potential purchasers of YOUR ASSERTED WORKS.

RESPONSE TO INTERROGATORY NO. 7:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will

not respond to this Interrogatory.

INTERROGATORY NO. 8:

Describe the nature of each of YOUR ASSERTED WORKS, including its genre, whether YOU contend it is a factual or creative work, and the target audience for the work.

RESPONSE TO INTERROGATORY NO. 8:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

INTERROGATORY NO. 9:

State the total revenue that YOU (including any entity or company owned, operated, or controlled by YOU) have earned from each of YOUR ASSERTED WORKS, including revenues earned from sales and licensing of the works.

RESPONSE TO INTERROGATORY NO. 9:

The parties have not reached agreement, nor has the Court ordered additional Interrogatories beyond the twenty-five allowed by Fed. R. Civ. P. 33(a)(1). As such, Plaintiff will not respond to this Interrogatory.

Dated: November 18, 2024

By: /s/ Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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VERIFICATION

My name is Jacqueline Woodson. I am one of the Plaintiffs in the action captioned *Kadrey et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC. (N.D. Cal.).

I have reviewed the following document:

- **PLAINTIFF JACQUELINE WOODSON'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORM INC.'S FOURTH SET OF INTERROGATORIES**

I believe this document to be true and accurate with respect to statements based on my personal knowledge. Otherwise, I am informed and believe that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the United States that these answers are true and correct. Executed on 11/18/2024.

Jacqueline Woodson

Jacqueline Woodson

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Mohammed A. Rathur
Mohammed A. Rathur